

### REMARKS

Claims 1-17, 20-65 are pending, with claims 1, 33, 35-40, 46, 47, 58, and 61 being independent. Claims 1, 2, 33, 35, 37, 38, 40, 46, 47, and 58 have been amended, and claims 18 and 19 were previously cancelled. Claim 2 was amended to address a typographical error. Claims 3, 5-7, 9-10, 13-16, 25-30, 36, 39, and 42 have been withdrawn. Support for the amendments can be found in the specification as filed at, for example, page 7, lines 14-23 and FIGS. 2-7. No new subject matter has been added. Applicant requests that the double patenting rejections be held in abeyance until the claims are otherwise held allowable.

The Office action rejected claims 1, 2, 4, 8, 11, 12, 17, 20-24, 31, 33-35, 37, 38, 40, 41, and 43-65 as unpatentable over U.S. Patent No. 6,608,629 to Haissaguerre et al. ("Haissaguerre") in view of U.S. Patent No. 6,290,699 to Hall et al. ("Hall"). Applicant respectfully requests reconsideration and withdrawal of these rejections in view of the foregoing amendments and for at least the following reasons.

Independent claims 1, 33, 35, 37, 38, 40, 46, 47, and 58, as amended, and independent claim 61, as previously presented, recite a flexible portion, flexible member, or pivoting means having a first end and a second end, the first and second ends of the flexible portion, member, or pivoting means directly attached to an end of the shaft.<sup>1</sup> The combination of Haissaguerre and Hall does not describe or suggest a flexible portion, member, or pivoting means as claimed. Rather, as shown, for example, in FIG. 13A of Haissaguerre, Haissaguerre discloses a pair of curved flexible support arms 142, 144 and a wire 154 (which the Action equates with the claimed flexible portion, member, or pivoting means), each of which has one end extending from a distal end of a deflectable tip 28 (which the Action equates with the claimed shaft) and another end connected to a part of a linear ablation segment 146 (which the Action equates with the

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<sup>1</sup> As noted above, these features of the "flexible portion" were previously included in independent claim 61. See Amendment in Reply to Action of July 7, 2010. Instead of particularly pointing out where the references allegedly disclosed or suggested the claimed "flexible portion" of claim 61, the Office action, at page 5, relied on its rejections of claim 1 to "effectively" address the limitations of claim 61. However, the Office action's rejections of claim 1 did not address the "flexible portion" limitations of claim 61. As discussed herein, neither reference alone or in combination, discloses or suggests these features. Accordingly, because the Examiner considered this limitation, applicants respectfully submit that entry of the foregoing amendments is proper after final in that these amendments will not require further searching and place the claims into condition for allowance for the reasons discussed herein. Accordingly, entry of the foregoing amendments is respectfully requested.

claimed head). Likewise, Hall, for example, as shown in FIG. 13, discloses two elongate members 1320, each having one end connected to a handle 1326 and another end connected to energy emitting elements 1330. Thus, neither Haissaguerre nor Hall, or any combination of the two references, disclose or suggest the claimed flexible portion, member, or pivoting means. Therefore, applicants submit that independent claims 1, 33, 35, 37, 38, 40, 46, 47, 58, and 61, and their respective dependent claims are patentable over Haissaguerre and Hall.

The Office action rejected claim 32, which depends from claim 1, as being unpatentable over Haissaguerre and Hall, and further in view of U.S. Patent No. 5,125,928 to Parins et al. ("Parins"). For at least the reasons discussed above with respect to the rejection of claim 1, and because Parins also fails to disclose or suggest a flexible portion as claimed, applicants submit that dependent claim 32 is patentable over the combination of Haissaguerre, Hall, and Parins.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Respectfully submitted,

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